

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PHYLLIS SANTISTEVAN-SULLIVAN,

Plaintiff,

v.

TRANSDIGM GROUP INCORPORATED
et al.,

Defendants.

CASE NO. 2:23-cv-00186-TL

ORDER GRANTING
DEFENDANTS' EMERGENCY
MOTION FOR TIME EXTENSION

This case involves claims of discrimination and retaliation by Plaintiff Phyllis Santistevan-Sullivan against Defendants Transdigm Group Incorporated and AvtechTyee Inc., her prior employers. This matter is before the Court on Defendant's Emergency Motion for Extension of Time to Respond (Dkt. No. 27) to Plaintiff's Motion for Protective Order to Quash Subpoenas (Dkt. No. 26) that Defendant has indicated it intends to serve on three of Plaintiff's former employers who are not parties to this litigation. Having considered the relevant record, including Plaintiff's response in opposition to the emergency motion (Dkt. No. 30), the Court GRANTS Defendants' motion for a time extension.

1 Defendants' motion for a time extension is predicated on the fact that Plaintiff failed to
2 certify that the length of its affirmative motion complied with the word count limit as required by
3 the Local Civil Rules and appeared to potentially exceed the limit based on total page count. Dkt.
4 No. 27 at 1–3 (citing LCR 7(e)(6)). Defendants also assert that the extension is generally
5 “necessitated by defense counsels’ pressing commitments in other client matters,” without
6 providing any further details. *Id.* at 2. Finally, Defendants note that Plaintiff will not be
7 prejudiced by the extension because it was sought well in advance of the deadline, and because
8 Defendants have agreed not to issue the subpoenas that are central to Plaintiff’s pending motion
9 until after the Court has decided whether to grant or deny Plaintiff’s request for a protective
10 order. *Id.* Plaintiff responded by rectifying the missing word count certification, confirming that
11 her affirmative motion does not exceed the limitation. *See* Dkt. Nos. 29–30.

12 The Court has broad discretion to grant a time extension for good cause, especially when
13 sought in advance of the deadline. Fed. R. Civ. P. 6(b)(1). As with all civil procedural rules, the
14 Court is required to “liberally construe[Rule 6(b)(1)] to effectuate the general purpose of seeing
15 that cases are tried on the merits.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th
16 Cir. 2010) (internal quotation marks omitted) (quoting *Rodgers v. Watt*, 722 F.2d 456, 459 (9th
17 Cir. 1983)). Such requests for time extensions are “normally . . . granted in the absence of bad
18 faith on the part of the party seeking relief or prejudice to the adverse party.” *Id.* at 1259 (internal
19 quotation marks and citation omitted).

20 While the Court expects all parties to comply with all relevant civil rules, Plaintiff’s
21 failure to include a word-count certification does not warrant good cause for a time extension.
22 Similarly, Defendants’ conclusory statement regarding “pressing commitments” without more is
23 also insufficient to support a finding of good cause. Nevertheless, because Defendants’ have
24 agreed not to proceed with the subpoenas in question until after Plaintiff’s pending motion is

1 resolved (if at all, depending on the Court's determination on the motion), the Court is persuaded
2 by the lack of prejudice to Plaintiff that a short extension of the deadline to respond to the motion
3 for a protective order is warranted.

4 The Court therefore GRANTS Defendants' emergency motion (Dkt. No. 27) for a
5 one-week time extension, DIRECTS Defendants to file their response in opposition to Plaintiff's
6 motion by no later than **Wednesday, December 13, 2023**, and also EXTENDS Plaintiff's deadline
7 to reply by an addition week, to **December 22, 2023**. Plaintiff's motion for a protective order
8 (Dkt. No. 26) shall be re-noted to **Friday, December 22, 2023**.

9 Dated this 5th day of December 2023.

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12 Tana Lin
13 United States District Judge
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